

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0670-02
Bill No.: HCS for HB's 237, 270, 403 and 442
Subject: Public Meetings and Records: Sunshine Law
Type: Original
Date: March 2, 2001

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| Local Government | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the following agencies/offices/commissions stated their offices would not expect significant fiscal impact due to this proposal or similar proposals: **Agriculture, Conservation, Elementary and Secondary Education, Health, Higher Education, Insurance, Labor and Industrial Relations, Transportation, Natural Resources, Mental Health, Public Safety, Revenue, Governor, Lt. Governor, Social Services, Attorney General, Courts Administrator, Tax Commission, Economic Development, Gaming, Lottery, Chief Clerk of the House, Secretary of the Senate, Secretary of State, Auditor, Treasurer, Public Defender, Prosecution Services, Moberly Area Community College, Central Missouri State University, Southwest Missouri State University, Truman State University, Southeast Missouri State University, Harris-Stowe State College, and Missouri Western State College.**

Officials of the **University of Missouri**, the **Division of Workers' Compensation** and the **Department of Corrections** (in response to similar proposals from previous years) noted that the proposal might provide a cause of action for additional litigation, which could have a fiscal impact depending on the amount and outcome of that litigation. For fiscal note purposes it is assumed that this would not be a direct impact of the proposal.

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
| | \$0 | \$0 | \$0 |
| <u>FISCAL IMPACT - Local Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
| | \$0 | \$0 | \$0 |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would require that roll call votes be taken and made public on matters where meetings themselves could be closed under the open meetings law. It would also: allow penalties to be assessed for any violation of the open meetings law (currently, penalties are only allowed if the violation is "purposeful"); increase possible penalties for violations of the law from \$500 to

DESCRIPTION (continued)

\$25,000 but not more than five percent (5%) of the total annual budget of a public body. Awards of costs and attorney fees of parties bringing suit under the Open Meetings law would only be allowed if the court found there was "a knowing violation" of the law.

This proposal would allow the governing body of a public hospital or a related organization of the hospital to close portions of records and meetings that it manages or controls which relate to: (1) the payment amounts and payment methodologies of its contract proposals to and contracts with a health carrier or a self-insured health plan; (2) the discussion and analysis related to the development and expansion of new or existing facilities or entering into service arrangements or other agreements; and (3) the amount of compensation that would be paid to a physician under the public hospital's or related organization's contract proposals to and contracts with physicians.

All records closed according to the proposal would be disclosed pursuant to a lawful subpoena. All other public hospital records are governed by public record laws.

This proposal would extend the sunset date on the Open Meetings law exception for the disclosure of municipal utility records. Section 610.021, RSMo, provides that a municipal electric utility may close that portion of its records containing information regarding names of suppliers, cost of services, and plans concerning future marketing and service expansion areas. This provision is scheduled to terminate December 31, 2001, if electric utility restructuring is not implemented. This proposal would extend the sunset to December 31, 2003, if legislation authorizing electric utility restructuring is not enacted.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. The proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of Administration
Department of Agriculture
Department of Conservation
Department of Corrections
Department of Economic Development
Department of Elementary and Secondary Education
Department of Health
Department of Higher Education
Department of Transportation
Department of Insurance

SOURCES OF INFORMATION (continued)

Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
State Courts Administrator
State Tax Commission
Chief Clerk - House of Representatives
Attorney General
Secretary of the Senate
State Auditor
Governor
Lieutenant Governor
Secretary of State
State Treasurer
Harris-Stowe State College
Southeastern Missouri State University
Southwestern Missouri State University
Truman State University
Missouri Western State College
University of Missouri
Moberly Area Community College



Jeanne Jarrett, CPA
Director
March 2, 2001